



WEB COPY

W.P.No.12069 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.12069 of 2023

Dharmanishanthan

.. Petitioner

vs

1.The Chief Immigration Officer,
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Sastri Bhavan, Chennai – 600 006.

2.The FRRO, (Foreign Regional Registration Officer)
Regional Passport Office,
No.3, IV Floor, Old No.785, New No.158,
No.2, Rayala Towers,
Anna Salai, Chennai -6.

3.Union of India
Ministry of Home Affairs,
Near Pragati Maidan,
New Delhi – 110 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing 1st and 2nd respondents to consider representation of the petitioner dated 07.02.2020 and thereby to furnish the original passport retained with the immigration officer within a time frame fixed by this Court.

For Petitioner : Mr.G.Ilamurugu

For Respondents : Mr.Dr.D.Simon
CGSC



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ORDER

The petitioner claims to be a citizen of India and has set out various facts in relation to his nationality at paragraph 3 of writ affidavit. The passport of the petitioner was detained by R1 on 14.11.2019 on suspicion that the passport had been obtained by furnishing wrong information about the nationality of the petitioner's parents.

2. The petitioner alleges that the Immigration Officer had taken away the passport without following procedures established under law. Though his parents, admittedly belong to Sri Lanka, he claims allegiance to India. He had applied for an Indian Passport relying on the decision passed in W.P.(MD) No. 27892 of 2022 dated 30.01.2023 and Sections 20 and 22 of the Passports Act, 1967 and now seeks a mandamus directing the respondents to consider his representation dated 07.02.2020 and to return his passport.

3. On a query posed to learned counsel as to the delay in approaching this Court, seeing as the impounding has been done in 2019 whereas this writ petition has been instituted only on 10.04.2023, there is no satisfactory response except to state that the petitioner is not literate and did not know how to pursue his remedies.

4. Be that as it may, a detailed counter has been filed on behalf of respondents 1 and 3, which is adopted by R2 being the Foreign Regional Registration Officer. They have denied all the averments and the



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facts set out in the writ affidavit and would reiterate their contention that the passport has been obtained initially based on misrepresentation of the facts. In fine, at paragraph 7 of counter dated 11.07.2023, they state that the petitioner's mother is a illegal migrant from Sri Lanka and hence the petitioner who was born on 27.05.1991 is not entitled for Indian citizenship.

5. Rather than adverting to the prayer on the merits thereon, seeing as such adjudication would require assimilation of various facts, it would suffice that a direction be issued to R2 to consider the representation of the petitioner containing a similar plea as in the present writ petition. There are several disputed facts that emanate from reading of the writ petition as contrast with the counter, and hence, and to resolve the disputed facts and arrive at a resolution of the matter, mandamus is issued to R2 to consider the representation of the petitioner dated 07.02.2020 and dispose the same in accordance with law, after hearing the petitioner as well as any others, who may be required for a proper adjudication of the matter.

6. With this and as nothing further survives in this writ petition, the same is closed. No costs.

10.07.2024

Neutral Citation:Yes
ssm



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DR. ANITA SUMANTH,J.

ssm

To

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